



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Minde Artman

FEB 25 2013

Schoolcraft, MI 49087-9791

RE: MUR 6619

Dear Ms. Artman:

On August 8, 2012, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On February 20, 2013, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated 2 U.S.C. §§ 441a(a) or 441f. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Tracey L. Ligon, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Lebeaux".

Susan L. Lebeaux
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Minde S. Artman

MUR: 6619

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission by Upton for All of Us, alleging violations of the Federal Election Campaign Act of 1971, as amended, (the "Act") by Minde S. Artman.

II. FACTUAL AND LEGAL ANALYSIS

The Act prohibits any person from making contributions "to any candidate and his authorized political committee with respect to any election for federal office which, in the aggregate, exceed \$2,000." 2 U.S.C. § 441a(a)(1)(A). Indexed for inflation, this contribution limit was \$2,500 in the 2012 election cycle. The Act also prohibits any candidate or political committee from knowingly accepting any excessive contribution. 2 U.S.C. § 441a(f). The Act further prohibits a person from making a contribution in the name of another person, knowingly permitting his name to be used to effect such a contribution, or knowingly accepting a contribution made by one person in the name of another. 2 U.S.C. § 441f.

The Complaint alleges that on July 24, 2012, Hoogendyk for Congress and Jack W. Hoogendyk in his official capacity as treasurer (the "Committee") sent an e-mail solicitation to supporters that contained a contribution arrangement that "readily enables potentially excessive and impermissible contributions." Compl. at 4. The e-mail stated:

Stock your kitchen and raise funds for Jack Hoogendyk. Minde Artman, Independent Pampered Chef Consultant, has an Online Pampered Chef Show open. Minde will donate a portion of her commission equal to 15% of the pre tax and shipping sales to Jack's campaign.*

Id. The asterisk points to a statement at the bottom of the e-mail, which explains that “this is not an endorsement from or partnership with The Pampered Chef Company. Minde Artman, Independent Pampered Chef Consultant, is donating from her own personal income.” *Id.*

The Complaint explains that this fundraising arrangement facilitates the making of excessive contributions because, for example, if Artman was particularly successful in selling Pampered Chef products to Hoogendyk supporters, it is feasible that 15 percent of her commission could exceed the \$2,500 contribution limit. Compl. at 8. Along the same lines, the Complaint asserts that the arrangement facilitates the making of contributions in the name of another because, by purchasing Artman’s products with knowledge that 15 percent of Artman’s commission will go to the Hoogendyk campaign, “Hoogendyk supporters would be able to make contributions to his campaign in Artman’s name while evading the contribution limits and the disclosure provisions.” *Id.*

In response, Hoogendyk explains that Artman, a Pampered Chef consultant, was making a gesture to encourage her friends to purchase products from her business, informing them that a percentage of her profit would be contributed to the Hoogendyk campaign. Hoogendyk Resp. at 2. Hoogendyk asserts that the solicitation explicitly states that any contribution that Artman made would be from her money; that “it would have been highly unlikely that she would sell enough merchandise to reach \$2,500 in contributions”; and that her total contribution to the Committee was \$50. *Id.*

In a separate response, Artman explains that the Pampered Chef campaign fundraiser could not have allowed her to donate more than the \$2,500 limit because that would have required over \$16,000 in sales, an amount well in excess of revenues generated by her largest show, which produced only \$1,100 in sales. Artman Resp. ¶ 3. Artman further explains that

she received two orders totaling \$268.50 from the fundraiser. *Id.* Of that amount, she had committed to donate \$40.38 to the Committee under the fundraising arrangement. *Id.* Rounding up, Artman made a total contribution to the Committee of \$50. *Id.*

There is no factual basis to the Complaint's allegation that the fundraiser at issue facilitated or resulted in excessive contributions or contributions in the name of another. Available information reflects that Artman's contribution to the Committee was just \$50, well below the \$2,500 contribution limit. In addition, the money used for the contribution was made from her own earned income, not money provided to her from other individuals; the solicitation clearly states that Artman was "donating from her own personal income." Thus, there is no information suggesting that contributions were made in the name of another. Consequently, the Commission finds that there is no reason to believe that Artman violated 2 U.S.C. §§ 441a(a) or 441f, and closes the file in this matter.